

### UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERC United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO.                   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO |
|-----------------------------------|---------------|----------------------|-------------------------|-----------------|
| 10/537,449                        | 01/09/2006    | Bernd Schwenzer      | 101215-189              | 1690            |
| 27387 75                          | 90 09/01/2006 |                      | EXAM                    | INER            |
| NORRIS, MCLAUGHLIN & MARCUS, P.A. |               |                      | SHIN, DANA H            |                 |
| 875 THIRD AV<br>18TH FLOOR        | E             |                      | ART UNIT                | PAPER NUMBER    |
| NEW YORK, NY 10022                |               |                      | . 1635                  |                 |
|                                   | •             |                      | DATE MAILED: 09/01/2000 | 5               |

Please find below and/or attached an Office communication concerning this application or proceeding.



### UNITED STATES DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION |          | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|--|----------|---------------------|
| 10/537,449                      |             | SCHWENZER ET                                   | AL.      |                     |
| ·                               |             |  |          | EXAMINER            |
|                                 |             |  | DAN      | A H. SHIN           |
|                                 |             |  | ART UNIT | PAPER               |
|                                 |             |  | 1635     | 20060817            |

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

#### **Commissioner for Patents**

This Office communication is necessitated by errors in the CRF filed on July 27, 2006. It is found that the CRF is defective because it does not comply with sequence rules set forth in 37 CFR 1.823. See the attached CRF problem report for more information. In summary, applicants are encouraged to enter the correct database entry date for Accession number AF015950 along with the correct numeric identifier listed in the Table shown in 37 CFR 1.823 (b).

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicants are encouraged to carefully review the entire application and ensure full compliance with all sequence rules. Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

JANE ZARA, PH.D. PRIMARY EXAMINER

Application No.: 10/537,449

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 37 CFR §1.821(g). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. §§1.821 - 1.825 for the following reason(s):

| X   | 1. This application clearly fails to comply with the requirements of 37 C.F.R. §§1.821-1.825. Applicants attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). |
|-----|--|
|     | 2. This application does not contain, as a separate part of the disclosure on paper copy, a Sequence Listing as required by 37 C.F.R. §1.821(c).   |
|     | 3. A copy of the Sequence Listing in computer readable form has not been submitted as required by 37 C.F.R. §1.821(e).   |
| X   | 4. A copy of the Sequence Listing in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. §1.822 and/or 1.823, as indicated on the attached copy of the marked-up Raw Sequence Listing.  |
| X   | 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. §1.825(d).   |
|     | 6. The paper copy of the Sequence Listing is not the same as the computer readable from of the Sequence Listing as required by 37 C.F.R. §1.821(e).  |
|     | 7. Other:  |
| Аp  | plicant Must Provide:  |
| X   | An initial or <u>substitute</u> computer readable form (CRF) copy of the Sequence Listing. (If the unidentified sequences are not provided on the CRF)   |
| X   | An initial or <u>substitute</u> paper copy of the Sequence Listing, as well as an amendment directing its entry into the specification. (If the unidentified sequences are not provided in the paper copy)   |
| X   | A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. §1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). (If a new paper and/or CRF are required)   |
| For | questions regarding compliance to these requirements, please contact:  |
| Foi | Rules Interpretation, call (703) 308-4216 r CRF Submission Help, call (703) 308-4212 tentIn Software Program Support Technical Assistance  |
|     |  |

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

#### STIC Biotechnology Systems Branch

# RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

| Application Serial Number: | 10/537,449 |      |
|----------------------------|------------|------|
| Source:                    | IFWI       | 6.   |
| Date Processed by STIC:    |            | 1/06 |
|                            |            | 7    |

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<a href="http://www.uspto.gov/ebc/efs/downloads/documents.htm">http://www.uspto.gov/ebc/efs/downloads/documents.htm</a>, EFS Submission User Manual ePAVE)
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- 3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

### Raw Sequence Listing Error Summary

|                                     | 1= - 1000  |
|-------------------------------------|--|
| ERROR DETECTED                      | SUGGESTED CORRECTION SERIAL NUMBER: 10/537, 449  |
| ATTN: NEW RULES CASES:              | PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE  |
| Wrapped Nucleics Wrapped Aminos     | The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."   |
| 2Invalid Line Length                | The rules require that a line not exceed 72 characters in length. This includes white spaces.  |
| 3Misaligned Amino<br>Numbering      | The numbering under each 5 <sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.  |
| 4Non-ASCII                          | The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.   |
| 5Variable Length                    | Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.   |
| 6PatentIn 2.0 "bug"                 | A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.   |
| 7Skipped Sequences<br>(OLD RULES)   | Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:  (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  This sequence is intentionally skipped  Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences. |
| 8Skipped Sequences<br>(NEW RULES)   | Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000  |
| 9Use of n's or Xaa's<br>(NEW RULES) | Use of n's and/or Xaa's have been detected in the Sequence Listing.  Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.   |
| 0Invalid <213><br>Response          | Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence. (see item 11 below)   |
| Use of <220>                        | Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown! Please explain source of genetic material in <220> to <223> section or use "chemically synthesized" as explanation. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32), also Sec. 1.823 of Sequence Rules   |
| PatentIn 2.0 "bug"                  | Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.  |
| 13 Misuse of n/Xaa                  | "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid   |



IFW16

RAW SEQUENCE LISTING DATE: 08/01/2006 PATENT APPLICATION: US/10/537,449 TIME: 10:08:44

Input Set : A:\PTO.KD.txt

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Output Set: N:\CRF4\08012006\J537449.raw
      3 <110> APPLICANT: Technische Universitat Dresden
      5 <120> TITLE OF INVENTION: Polynucleotides Targeted Against Htert and Use
Thereof
      7 <130> FILE REFERENCE: 101215-189-2
                                                          see p 13,5
      9 <140> CURRENT APPLICATION NUMBER: 10/537,449
C--> 10 <141> CURRENT FILING DATE: 2006-01-09
     12 <160> NUMBER OF SEQ ID NOS: 18
     14 <170> SOFTWARE: PatentIn Ver. 2.1
     16 <210> SEQ ID NO: 1
                                                             Does Not Comply
     17 <211> LENGTH: 75
                                                             Corrected Diskette Needed
     18 <212> TYPE: DNA
     19 <213> ORGANISM: Homo sapiens
     21 <220> FEATURE:
     22 <221> NAME/KEY: mRNA
     23 <222> LOCATION: (1)..(75)
     24 <223> OTHER INFORMATION: subunit 2176-2250 of hTERT((Accession AF015950)
     26 <400> SEQUENCE: 1
                                                                                   Sequene
Rules
     27 ctttgtcaag gtggatgtga cgggcgcgta cgacaccatc ccccaggaca ggctcacgga 60
     28 ggtcatcgcc agcat
     31 <210> SEQ ID NO: 2
     32 <211> LENGTH: 98
     33 <212> TYPE: DNA
     34 <213 > ORGANISM: Homo sapiens
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     39 <223> OTHER INFORMATION: subunit 2296-2393 of hTERT ((Accession AF015950)
     41 <400> SEQUENCE: 2
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     43 agacetecag cegtacatge gacagttegt ggeteace
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     47 <211> LENGTH: 23
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     49 <213> ORGANISM: Homo sapiens
     51 <220> FEATURE:
     52 <221> NAME/KEY: mRNA
     53 <222> LOCATION: (1)..(23)
                                          Signer Rules da tabase accessor humber reed to be listed, along with rumber reed to response this a header"

23
23
23
23
257 C-ho response this a header"

2307 C-horses
     54 <223> OTHER INFORMATION: subunit 2183-2205 of hTERT ((Accession AF015950)
     56 <400> SEQUENCE: 3
     57 aaggtggatg tgacgggcgc gta
     60 <210> SEQ ID NO: 4
     61 <211> LENGTH: 20
     62 <212> TYPE: DNA
     63 <213> ORGANISM: Homo sapiens
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≤3097 E- list accessor date

RAW SEQUENCE LISTING DATE: 08/01/2006
PATENT APPLICATION: US/10/537,449 TIME: 10:08:44

Input Set : A:\PTO.KD.txt

Output Set: N:\CRF4\08012006\J537449.raw

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67 <222> LOCATION: (1)..(20)
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70 <400> SEQUENCE: 4
71 cgacaccatc ccccaggaca
74 <210> SEQ ID NO: 5
75 <211> LENGTH: 20
76 <212> TYPE: DNA
77 <213> ORGANISM: Homo sapiens
79 <220> FEATURE:
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81 <222> LOCATION: (1)..(20)
82 <223> OTHER INFORMATION: subunit 2315-2334 of hTERT (Accession AF015950)
84 <400> SEQUENCE: 5
85 cacgtccgca aggccttcaa
88 <210> SEQ ID NO: 6
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91 <213> ORGANISM: Homo sapiens
93 <220> FEATURE:
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95 <222> LOCATION: (1)..(20)
96 <223> OTHER INFORMATION: subunit 2317-2336 of hTERT (Accession AF015950)
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                                                                     . 20
99 cgtccgcaag gccttcaaga
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104 <212> TYPE: DNA
105 <213> ORGANISM: Homo sapiens
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110 <223> OTHER INFORMATION: subunit 2324-2346 of hTERT ((Accession AF015950)
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                                                      (Accession AF015950)
126 <400> SEQUENCE: 8
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130 <210> SEQ ID NO: 9
131 <211> LENGTH: 20
132 <212> TYPE: DNA
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DATE: 08/01/2006

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PATENT APPLICATION: US/10/537,449
                                                              TIME: 10:08:44
                     Input Set : A:\PTO.KD.txt
                     Output Set: N:\CRF4\08012006\J537449.raw
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     147 <213> ORGANISM: Artificial Sequence
     149 <220> FEATURE:
     150 <223> OTHER INFORMATION: Description of Artificial Sequence: hTERT-AS
AStel
     151
               2206-2225
     153 <400> SEQUENCE: 10
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     159 <212> TYPE: DNA
     160 <213> ORGANISM: Artificial Sequence
     162 <220> FEATURE:
     163 <223> OTHER INFORMATION: Description of Artificial Sequence: hTERT-AS
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     166 <400> SEQUENCE: 11
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AStel
               2317-2336
     179 <400> SEQUENCE: 12
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                                                                           20
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     184 <211> LENGTH: 20
     185 <212> TYPE: DNA
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     188 <220> FEATURE:
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RAW SEQUENCE LISTING

AStel

RAW SEQUENCE LISTING DATE: 08/01/2006
PATENT APPLICATION: US/10/537,449 TIME: 10:08:44

Input Set : A:\PTO.KD.txt

Output Set: N:\CRF4\08012006\J537449.raw

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221 <210> SEQ ID NO: 16
222 <211> LENGTH: 20
223 <212> TYPE: DNA
224 <213> ORGANISM: Artificial Sequence
226 <220> FEATURE:
227 <223> OTHER INFORMATION: Description of Artificial Sequence: NS-K3
229 <400> SEQUENCE: 16
230 cagcttcagt actgagactg
233 <210> SEQ ID NO: 17
234 <211> LENGTH: 501
235 <212> TYPE: DNA
236 <213> ORGANISM: Homo sapiens
238 <220> FEATURE:
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241 <223> OTHER INFORMATION: subunit 2000-2500 of hTERT ((Accession AF015950)
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246 gcctggcgca ccttcgtgct gcgtgtgcgg gcccaggacc cgccgcctga gctgtacttt 180
247 gtcaaggtgg atgtgacggg cgcgtacgac accatccccc aggacaggct cacggaggtc 240
248 ategecagea teateaaace ecagaacaeg taetgegtge gteggtatge egtggteeag 300
249 aaggcegeee atgggeaegt eegeaaggee tteaagagee aegtetetae ettgaeagae 360
250 etccageegt acatgegaca gttegtgget cacetgeagg agaceageec getgagggat 420
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                                                                       501
252 ttcctacgct tcatgtgcca c
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257 <212> TYPE: DNA
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267 gegegeteec egetgeegag eegtgegete eetgetgege agecactace gegaggtget 120
268 gccgctggcc acgttcgtgc ggcgcctggg gccccagggc tggcggctgg tgcagcgcgg 180
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RAW SEQUENCE LISTING DATE: 08/01/2006
PATENT APPLICATION: US/10/537,449
TIME: 10:08:44

Input Set : A:\PTO.KD.txt

Output Set: N:\CRF4\08012006\J537449.raw

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269 ggacccggcg gctttccgcg cgctggtggc ccagtgcctg gtgtgcgtgc cctgggacgc 240
270 acggccgccc cccgccgccc cctccttccg ccaggtgtcc tgcctgaagg agctggtggc 300
271 ccgagtgctg cagaggctgt gcgagcgcgg cgcgaagaac gtgctggcct tcggcttcgc 360
272 gctgctggac ggggcccgcg ggggcccccc cgaggccttc accaccagcg tgcgcagcta 420
273 cctgcccaac acggtgaccg acgcactgcg ggggagcggg gcgtgggggc tgctgctgcg 480
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276 teaggeeegg eeceegeeac acgetagtgg acceegaagg egtetgggat gegaaeggge 660
277 ctggaaccat agcgtcaggg aggccggggt ccccctgggc ctgccagccc cgggtgcgag 720
278 gaggegeggg ggcagtgcca gccgaagtct gccgttgccc aagaggccca ggcgtggcgc 780
279 tgcccctgag ccggagcgga cgcccgttgg gcaggggtcc tgggcccacc cgggcaggac 840
280 gcgtggaccg agtgaccqtq qtttctqtqt qqtqtcacct qccaqacccq ccqaaqaaqc 900
281 cacctetttg gagggtgege tetetggeac gegecaetee cacceateeg tgggeegeea 960
282 gcaccacgeg ggccccccat ccacategeg gccaccacgt ccctgggaca cgccttgtcc 1020
283 cccggtgtac gccgagacca agcacttcct ctactcctca ggcgacaagg agcagctgcg 1080
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289 cacagacccc cgtcgcctgg tgcagctgct ccgccagcac agcagcccct ggcaggtgta 1440
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291 caacgaacgc cgcttcctca ggaacaccaa gaagttcatc tccctgggga agcatgccaa 1560
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296 caagttgcaa agcattggaa tcagacagca cttgaagagg gtgcagctgc gggagctgtc 1860
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VERIFICATION SUMMARY

DATE: 08/01/2006

PATENT APPLICATION: US/10/537,449

TIME: 10:08:45

Input Set : A:\PTO.KD.txt

Output Set: N:\CRF4\08012006\J537449.raw

L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date